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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,937	11/13/2001	Pedro S. Baranda	OT-4986;60,469-054	5631
7590	09/07/2004			EXAMINER CHARLES, MARCUS
David J. Gaskey CARLSON, GASKEY & OLDS, P.C. Suite 350 400 Wes Maple Road Birmingham, MI 48009			ART UNIT 3682	PAPER NUMBER
DATE MAILED: 09/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,937	BARANDA ET AL.	
	Examiner	Art Unit	
	Marcus Charles	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 14-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 14, 21-23, 26 and 27 is/are allowed.
- 6) Claim(s) 1-4, 9, 15, 16, 19 and 20 is/are rejected.
- 7) Claim(s) 5-8, 17 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03-08-04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This action is responsive to the amendment filed 6-11-2004, which has been entered.

Claims 1-9, 14-24 and 26-27 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 9, 15-16 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by WO (01-14630). WO (01-14630) discloses an elevator belt (22) comprising a plurality of cords (30, 28) aligned parallel to the longitudinal axis; a jacket (26) over the cords, the jacket includes a generally smooth surface. Note each cord is spaced apart and have different sizes composed of different materials. Therefore, it is apparent that the cords are maintained individually. It is also apparent that the cords extend along the entire length of the belt and parallel with the longitudinal axis of the belt.

In claim 20, it is well known to cool the belt after forcing the belt through a shaping device and it is apparent that the belt is cooled after obtaining its final shape.

Regarding claims 15-16, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) device

3. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630, applicants prior art) in view of JP(63-214538). WO (01-14630) does not disclose that the jacket is made from polyurethane. JP(63-214538) discloses a belt jacket made from polyurethane in order to improved bending resistance and reduces noise during operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of WO(01-14630) so that the jacket is made from polyurethane in view of JP(63-214538) in order to improved bending resistance and noise during use.

Allowable Subject Matter

4. Claims 14 and 21-23 and 26-27 are allowed.
5. Claims 5-8, 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 6-17 2004 to claims 1-4, 9, 15-16, 19-20 and 24 have been fully considered but they are not persuasive. Applicant contended that the reference is void concerning any mentioning or suggesting of maintaining tensioning of the cord on an individual basis. It should be noted that it is inherent for the cord to be maintained on an individual basis. Furthermore, maintaining a tension in each individual cord is old and well known in the art. Note US application serial number (3,608,605) to Cole and JP(55-152037) show that it is well know to individually stretch each cord during the processing of a tire or a belt. Therefore, individually stretching of the cords of

Art Unit: 3682

WO (01-14630) is well known and is inherent. Therefore, the rejection is deemed proper.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Marcus Charles
Primary Examiner
Art Unit 3682
September 02, 2004